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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,178	07/22/2002	Eric Lewis DeClouet		1132
32422	7590	12/29/2005	EXAMINER TO, BAO TRAN N	
ERIC L. DECLOUET 13195 GEMSTONE COURT APPLE VALLEY, MN 55124			ART UNIT 2135	PAPER NUMBER
DATE MAILED: 12/29/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/064,178	DECLOUET, ERIC LEWIS
	<b>Examiner</b>	<b>Art Unit</b>
	Bao Tran N. To	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on June 19 2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-9 have been examined.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: the term "the detection" in line 2 of Claim1 should be ---a detection---. Appropriate correction is required.

Claim 5 is objected to because of the following informalities: Claim 5 should not contain a period (.) in the middle of claim language. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al (U.S. Patent 5,960,170) hereinafter Chen.

As per Claim 1, Chen discloses a method to accomplish the collaborative suppression of undesirable activity on any node within a computing environment (network) through

(1) the detection of a compromise event (viruses) (col. 2, lines 60-65);  
(2) subsequent publication of a compromise event notification (Fig. 2 and col. 8, lines 15-25) and  
(3) resulting service provider node (proxy server 820) responding to any subsequent service request from a compromised node (client) (identified in the aforementioned compromise event notification) with one, or more, suppressive responses (Fig.8B, col. 24, lines 15-20 and col. 27, lines 20-35).

As per Claim 2, Chen discloses the limitations of Claim 1 above. Chen further discloses wherein the method by which the identification of the potential for undesirable activity is accomplished by the detection of the occurrence of a compromise event and the subsequent publication of a compromise event notification (Fig. 2 and col. 8, lines 15-25).

As per Claim 3, Chen discloses the limitations of Claim 2 above. Chen further discloses wherein the specific nature of a compromise event is unrestricted and left to the specific implementation of a compromise detector (col. 12, lines 10-25).

As per Claim 4, Chen discloses the limitations of Claim 2 above. Chen further discloses wherein the detection of a compromise event and publication of an associated compromise event notification are distributed capabilities, simultaneously

implementable on any (or even all) nodes of a computing environment (Fig. 7 and col. 24, lines 15-20 and 50-60).

As per Claim 5, Chen discloses the limitations of Claim 1 above. Chen further discloses wherein the collaborative suppression of undesirable activity is affected by the response, of service providing nodes, to service requests received from a node identified in a compromise event notification. This is referred to as the suppressive response (col. 27, lines 15-35).

As per Claim 6, Chen discloses the limitations of Claim 5 above. Chen further discloses wherein the specific nature and count of suppressive responses of any particular node is unrestricted and left to the specific implementation of the service providing node (col. 23, lines 35-60).

As per Claim 7, Chen discloses the limitations of Claim 6 above. Chen further discloses wherein the association of one or more suppressive responses, of a particular service providing node, to one or more compromise event notifications is unrestricted and left to the specific run-time configuration of the service providing node (col. 27, lines 5-35).

As per Claim 8, Chen discloses the limitations of Claim 5 above. Chen further discloses wherein the collaborative suppression of undesirable activity is affected by the

distributed execution of one or more suppressive responses by one or more service providing nodes (col. 23, lines 60-67 through col. 24, lines 1-20).

As per Claim 9, Chen discloses the limitations of Claim 1 above. Chen further discloses wherein there is no restriction on the location, or co-location, of compromise detection and/or service provisioning to specific nodes, or on the same node; allowing for remote compromise detection and/or a single node performing compromise detection and service provisioning (col. 11, lines 1-50 and col. 25, lines 40-60).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kouznetsov (U.S. Patent 6,973,577 B1) discloses system and method for dynamically detecting computer virus through associative behavioral analysis of runtime state.

Conklin et al. (U.S. Patent 5,991,881) discloses network surveillance system.

Cox et al. (U.S. Patent 6,842,861 B1) discloses method and system for detecting viruses on handheld computers.

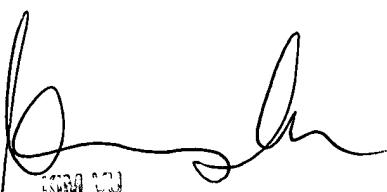
***Contact Information***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Tran N. To whose telephone number is 571-272-8156. The examiner can normally be reached on Monday-Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Baotran N. To  
12/20/2005



KIM Y. VU  
PATENT PTO  
12/20/2005